

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

WILLIAM J. WELLS §
VS. § CIVIL ACTION NO. 9:17-CV-80
BRYAN COLLIER, *et al.*, §

**MEMORANDUM OPINION AND ORDER
OVERRULING OBJECTIONS AND ADOPTING REPORT AND RECOMMENDATION**

Plaintiff, William J. Wells, an inmate formerly confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's motion for class certification be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge (docket entry nos. 43). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

As outlined by the Magistrate Judge, plaintiff does not meet all of the requirements necessary for class certification set forth in Rule 23(a).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. It is further **ORDERED** that Plaintiff's Motion for Reconsideration of Order Denying Motion to Appoint Counsel (docket entry no. 48) is **DENIED**, subject to reconsideration if this Court later determines that appointment of counsel is necessary.

So Ordered and Signed

Sep 23, 2018



Ron Clark, Senior District Judge